

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	T. Taniguchi et al.	CONF. NO.:	5969
U.S. SERIAL NO:	10/691,417	EXAMINER:	P. Sinkantarakorn
FILED:	October 21, 2003	GROUP:	2616
FOR:	DATA TRANSMISSION DEVICE, DATA TRANSMISSION METHOD, DATA TRANSMISSION PROGRAM, DATA RECEPTION DEVICE, DATA RECEPTION METHOD, DATA RECEPTION PROGRAM, AND COMMUNICATION SYSTEM		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

Applicants are in receipt of the Office Action dated April 14, 2008 of the above-referenced application. Applicants respond to the Office Action as follows.

Claims 1-5, 7-13, 29, and 30 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,775,705 to Maeda in view of U.S. Patent 6,317,609 to Alperovich et al. ("Alperovich"). Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Alperovich, and further in view of U.S. Patent 7,000,157 to Okamoto et al. ("Okamoto"). Claims 14-21, 25, 27, and 28 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0020961 to Tanimoto in view of Maeda "in view of Alperovich." Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Alperovich "in view of Tanimoto." These rejections are respectfully traversed.

On page 4, last paragraph of the Office Action of 04/14/2008, it was admitted that the Maeda reference does not teach or suggest "transmitting the generated transmission data and the reception result request simultaneously to the receiving-end machine."

The Alperovich reference was cited allegedly to remedy the deficiencies of Maeda.

In particular, column 6, lines 52-64 of Alperovich was cited allegedly for disclosing:
"if the received digital image is not in a format compatible with the receiving MS, the receiving MS can return a message requesting a retransmission in a compatible format" (Office Action of 04/14/2008 at page 4, last paragraph).

In Alperovich, referring to column 6, lines 52-64, after a digital image 355 is received by a called MS 20b, i.e., a receiving mobile station, a message can be returned to the calling MS 20a "requesting that the digital image 355 be re-transmitted in a compatible format."

In other words, the message from the called MS 20b to the calling MS 20a corresponds to a request for retransmission because the digital image 355 was received in an incompatible format. This request for retransmission does not constitute a "reception result request" as claimed. Moreover, the request for retransmission is not sent simultaneously with transmission data. Further, the request for retransmission in Alperovich is sent from the called MS 20b to the calling MS 20a, instead of from a transmitting-end machine to a receiving-end machine, as claimed.

Therefore, there is no teaching or suggestion in Alperovich that transmission data and a reception result request are sent simultaneously to a receiving-end machine.

It is unclear how the Alperovich reference would be combined with Maeda, as the details of this proposed combination are not provided on pages 4-5 of the Office Action of 04/14/2008. Moreover, the request for retransmission disclosed in Alperovich is sent when a received digital image 355 is incompatible with a display format of the MS 20b. However, in Maeda, a first email is sent prior to transmission of image data to obtain suitable data formats. Thus, the request for retransmission disclosed in Alperovich would be unnecessary in Maeda, since acceptable data formats have already been determined prior to transmission of image data.

Even if Alperovich was somehow combined with Maeda, the proposed combination would not result in the Applicants' claimed invention, for at least the reasons discussed above. Therefore, independent claims 1, 8, and 24 and their respective dependent claims are patentable over the proposed combination.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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